

Serial No. 10/730,163
60130-1910;03MRA0301

AMENDMENTS TO THE DRAWINGS:

These drawings replace the previously filed drawings. No new matter has been added.

Figure 2 has been amended to include reference numeral 44.

Figure 4 has been amended to include reference numerals 28 and 48.

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60130-1910;03MRA0301REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 4, 5, 7, and 10 have been amended. Claim 3 has been canceled. Claims 7, 8, 10, and 11 have been withdrawn. New claims 13-19 are presented. Accordingly, claims 1, 2, 4, 5, 6, 9, and 13-19 are pending. All the new claims read on the elected embodiment illustrated in Figure 2.

Claims 5 and 7 were rejected under 35 USC §112 first and/or second paragraph. The Examiner points to the fact that there is no third diameter in the elected species. Applicant has amended claim 5 to remove the third diameter recitation and withdrawn claim 7.

Claims 1-3 and 5-7 were rejected under 35 USC §102(e) as being anticipated by *Iwano* (6,276,837). Applicant has amended claim 1 to recite that the seal is in contact with an inner race of said of said bearing. *Iwano* fails to disclose or suggest a seal in contact with the inner race (element 5A). The amended claims are properly allowable.

Claims 4 and 9 were rejected under 35 USC §103 as being unpatentable over *Iwano* as set forth in the rejection of claims 1-3 and 5-7 above, and further in view of official notice of common knowledge in the art, or, in the alternative, engineering design choice. Notably, MPEP §2144.03 states that "[i]t would not be appropriate for the Examiner to take official notice of facts without cited a prior art reference where the facts asserted to be well known are not capable of instant and questionable demonstrations as being well known." Furthermore, under MPEP §2112, the Examiner is required to present evidence in fact and/or technical reasoning to reasonably support the determination that allegedly inherent characteristics necessarily flows from the teachings of the prior art.

Iwano specifically discloses a stopper piece 20 upon which the seal member 15 is in contact with. Notably, the stopper piece is separate from the inner race 5A. *Iwano* specifically states:

Since the stopper piece 20 is formed in a simple cylindrical shape and the thickness thereof is relatively consistent in an axial direction, the required force for press-fitting an [sic] the propeller shaft 1 can be easily determined, and high accuracy is not required, so that manufacturing costs can be maintained at a low level.

[Col. 4, lines 53-58.]

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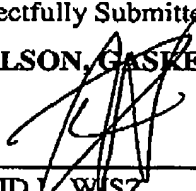
Iwano provides no teaching with regard to a seal in contact with the inner race. The Examiner's contention that providing the additional features in question is obvious to one of ordinary skill in the art since "it was known in the art to do so to provide the functions disclosed" simply cannot be sustained. At the very least, the *Iwano* support structure is a less elegant and more complicated seal arrangement than Applicant's inventive structure. Applicant requests that the Examiner provide evidence in support of the contention that Applicant specifically claimed structure is simply an obvious matter of design choice or the rejection be dropped.

New claims 13-20 recite further features of the elected embodiment of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

Applicant believes that no additional fees are required; however, should any fees or extensions of time be required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
CARLSON, GASKEY & OLDS, P.C.



DAVID L. WISZ
Registration No. 46,350
Attorneys for Applicant
400 West Maple, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

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